

**FILED**

**NOT FOR PUBLICATION**

**NOV 16 2005**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

T.E.F., a minor by and through her parent;  
et al.,

Plaintiffs - Appellees,

v.

RICHARD DASEN,

Defendant - Appellant.

No. 05-35700

D.C. No. CV-05-00070-LBE

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Montana  
Leif B. Erickson, Magistrate, Presiding

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

This preliminary injunction appeal comes to us for review under Ninth Circuit Rule 3-3. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We subject a district court's order regarding preliminary injunctive relief to only limited review. *Walczak v. EPL Prolong, Inc.*, 198 F.3d 725, 730 (9th Cir. 1999). Our review of an order regarding a preliminary injunction "is much more limited than review of an order involving a permanent injunction, where all conclusions of law are freely reviewable." *Id.* A decision regarding a preliminary injunction is reviewed for abuse of discretion, which occurs only if the district court based its decision on either an erroneous legal standard or clearly erroneous factual findings. *Id.*

The district court did not abuse its discretion here. *See Martin v. Int'l Olympic Comm.*, 740 F.2d 670, 674-75 (9th Cir. 1984). We therefore affirm the district court's order granting plaintiff's motion for a preliminary injunction. Our disposition will affect the rights of the parties only until the district court renders final judgment. *Sports Form, Inc. v. United Press International*, 686 F.2d 750, 752 (9th Cir. 1982).

Appellee's motion to strike appellant's reply brief is denied. Appellee's request, in the alternative, for permission to file a sur-reply is denied as unnecessary.

**AFFIRMED.**